

RULE

Department of Health Bureau of Health Services Financing

Laboratory and Radiology Services (LAC 50:XIX.Chapters 39, 41, and 43)

The Department of Health, Bureau of Health Services Financing has adopted LAC 50:XIX.Chapter 39 and amended Chapters 41 and 43 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

~~PUBLIC HEALTH-MEDICAL ASSISTANCE~~ Part XIX. Other Healthcare Services Subpart 3. Laboratory and Radiology Services

Chapter 39. General Provisions

§3901. Introduction

A. The Medicaid Program covers medically necessary laboratory and radiology services that are ordered by a physician or other licensed practitioner acting within their scope of practice and:

1. provided by or under the direction of, a physician or other licensed practitioner acting within their scope of practice; or
2. provided by an independent laboratory.

B. This Subpart only applies to laboratory and radiology services provided:

1. in an office or similar facility other than a hospital outpatient department or clinic; or
2. in an independent laboratory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§3903. Service Limitations

A. Providers may only furnish laboratory services for which they are certified under the clinical laboratory improvement amendments.

B. Providers may only receive reimbursements for services that they personally perform or supervise.

C. Effective for dates of service on or after February 20, 2018, the Medicaid Program terminates coverage of proton beam radiation therapy for beneficiaries 21 years of age and older.

1. For beneficiaries under the age of 21, coverage shall be provided when proton beam radiation therapy services are deemed medically necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

Chapter 41. Provider Participation

§4101. Physicians and Other Licensed Practitioners Office Services

A. Physicians and other licensed practitioners must comply with all applicable state and federal laws and regulations.

B. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 8:75 (February 1982), repromulgated LR 28:1023 (May 2002), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§4103. Independent Laboratories

A. Independent laboratories are freestanding laboratory facilities that are independent of the ordering provider, hospital, or both.

B. Independent laboratories must be licensed in accordance with state laws and regulations.

C. Independent laboratories must comply with all applicable state and federal laws and regulations.

D. Independent laboratories must maintain copies of all laboratory orders and laboratory results for a period of at least five years. Records shall be retained in the laboratory in such a manner that permits ready identification and accessibility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

Chapter 43. Reimbursement

§4301. Laboratory Services Reimbursement Methodology

A. Providers shall be reimbursed according to the established fee schedule or billed charges, whichever is the lesser.

B. Reimbursement for laboratory services shall not exceed 100 percent of the current year's Medicare fee.

C. For newly added laboratory services, the Medicaid fee shall be set at 75 percent of the current year's Medicare allowable fee.

1. If there is no corresponding Medicare fee, the Medicaid fee shall be set based on a review of Medicaid Program fees in others states, other health insurer fees in Louisiana, or as determined by either the Louisiana Medicaid Medical

Director or the contracted physician consultant of the Department of Health's fiscal intermediary.

2. Laboratory services related to a declared public health emergency may be reimbursed at up to 100 percent of the Medicare allowable fee if deemed necessary by the Medicaid Program to ensure access.

D. Effective for dates of service on or after February 26, 2009, the reimbursement rates for laboratory services shall be reduced by 3.5 percent of the fee amounts on file as of February 25, 2009.

E. Effective for dates of service on or after August 4, 2009, the reimbursement rates for laboratory services shall be reduced by 4.7 percent of the fee amounts on file as of August 3, 2009.

F. Effective for dates of services on or after January 22, 2010, the reimbursement rates for laboratory services shall be reduced by 4.42 percent of the fee amounts on files as of January 21, 2010.

G. Effective for dates of service on or after August 1, 2010, the reimbursement rates for laboratory services shall be reduced by 4.6 percent of the fee amounts on file as of July 31, 2010.

H. Effective for dates of service on or after January 1, 2011, the reimbursement rates for laboratory services shall be

reduced by 2 percent of the fee amount on file as of December 31, 2010.

I. Effective for dates of service on or after July 1, 2012, the reimbursement rates for laboratory services shall be reduced by 3.7 percent of the fee amounts on file as of June 30, 2012.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153, R.S. 49:1008(A), P.L. 98-369, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 5:388 (December 1979), amended LR 8:75 (February 1982), LR 8:144 (March 1982), LR 10:1034 (December 1984), LR 12:679 (October 1986), LR 22:107 (February 1996), repromulgated (for LAC) LR 28:1024 (May 2002), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§4303. Provider Claim Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 5:388 (December 1979), amended LR 10:599 (August 1984), LR 13:578 (October 1987), repromulgated (for LAC) LR 28:1024 (May 2002),

repealed by the Department of Health, Bureau of Health Services Financing, LR 47:

\$4305. Automated, Multichannel Test and Panel Billing

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153, R.S. 49:1008(A), and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 8:75 (February 1982), amended LR 10:1034 (December 1984), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 22:219 (March 1996), repromulgated (for LAC) LR 28:1024 (May 2002), repealed by the Department of Health, Bureau of Health Services Financing, LR 47:

\$4307. Hepatic Function Panel and General Health Panel

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153, R.S. 49:1008(A), and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 22:219 (March 1996), repromulgated (for

LAC) LR 28:1024 (May 2002), repealed by the Department of Health, Bureau of Health Services Financing, LR 47:

§4309. Hematology

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153, R.S. 49:1008(A), and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 22:219 (March 1996), repromulgated (for LAC) LR 28:1024 (May 2002), repealed by the Department of Health, Bureau of Health Services Financing, LR 47:

§4311. Panel Codes

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153, R.S. 49:1008(A), and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 22:219 (March 1996), repromulgated (for LAC) LR 28:1025 (May 2002), repealed by the Department of Health, Bureau of Health Services Financing, LR 47:

§4313. Prenatal Lab Panel Services

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153, R.S. 49:1008(A), and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 22:219 (March 1996), repromulgated (for LAC) LR 28:1025 (May 2002), amended LR 29:1485 (August 2003), repealed by the Department of Health, Bureau of Health Services Financing, LR 47:

§4315. Urinalysis

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153, R.S. 49:1008(A), and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 22:219 (March 1996), repromulgated (for LAC) LR 28:1025 (May 2002), repealed by the Department of Health, Bureau of Health Services Financing, LR 47:

§4317. Panels and Component Codes within Panels

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 49:1008(A), and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 22:219 (March 1996), repromulgated (for LAC) LR 28:1024 (May 2002), repealed by the Department of Health, Bureau of Health Services Financing, LR 47:

§4319. X-Ray Equipment Portage Billing

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1026 (May 2004), repealed by the Department of Health, Bureau of Health Services Financing, LR 47:

Subchapter B. Reimbursement

§4329. Laboratory Services (Physicians and Independent Laboratories)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153, R.S. 49:1008(A), P.L. 98-369, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1025 (May 2002), amended by the

Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1897 (September 2009), LR 36:1248 (June 2010), LR 36:2563 (November 2010), LR 37:3028 (October 2011), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:95 (January 2013), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:1284 (May 2013), LR 41:539 (March 2015), repealed by the Department of Health, Bureau of Health Services Financing, LR 47:

§4331. Medicare Part B

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153, R.S. 49:1008(A), P.L. 98-369, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 26:2622 (November 2000), repromulgated (for LAC) LR 28:1025 (May 2002), repealed by the Department of Health, Bureau of Health Services Financing, LR 47:

§4333. Outpatient Hospital Laboratory Services Reimbursement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Service Financing, LR 23:414 (April 1997), promulgated (for inclusion in the LAC) LR 28:1026 (May 2002), amended LR 29:1096 (July 2003), repealed by the Department of Health, Bureau of Health Services Financing, LR 47:

§4334. Radiology Services Reimbursement Methodology

A. This reimbursement methodology applies to radiology services including portable x-ray and radiation therapy center services.

B. Providers shall be reimbursed according to the established fee schedule or billed charges, whichever is the lesser amount.

C. For newly added radiology services, the Medicaid fee shall be set at 75 percent of the current year's Louisiana Region 99 Medicare allowable fee.

1. If there is no corresponding Medicare fee, the Medicaid fee shall be set based on a review of Medicaid Program fees in other states, other health insurer fees in Louisiana, or as determined by either the Louisiana Medicaid Medical Director or the contracted physician consultant of the Department of Health's fiscal intermediary.

D. Repealed.

E. - J. ...

K. - L.1. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.
36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health
and Hospitals, Bureau of Health Services Financing, LR 35:1897
(September 2009), amended LR 36:1248 (June 2010), LR 36:2563
(November 2010), LR 37:3029 (October 2011), LR 39:1284 (May
2013), LR 41:539 (March 2015), amended by the Department of
Health, Bureau of Health Services Financing, LR 44:283 (February
2018), amended by the Department of Health, Bureau of Health
Services Financing, LR 47:

§4335. Portable Radiology Services

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.
36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health
and Hospitals, Bureau of Health Services Financing, LR 30:1026
(May 2004), amended LR 35:1898 (September 2009), amended LR
36:1248 (June 2010), LR 36:2563 (November 2010), LR 37:3029
(October 2011), LR 39:1284 (May 2013), LR 41:540 (March 2015),
repealed by the Department of Health, Bureau of Health Services
Financing, LR 47:

§4337. Radiation Therapy Centers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.
36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health
and Hospitals, Bureau of Health Services Financing, LR 35:1898
(September 2009), amended LR 36:1248 (June 2010), LR 36:2563
(November 2010), LR 37:3029 (October 2011), LR 39:1284 (May
2013), LR 41:540 (March 2015), repealed by the Department of
Health, Bureau of Health Services Financing, LR 47:

Implementation of the provisions of this Rule may be
contingent upon the approval of the U.S. Department of Health
and Human Services, Centers for Medicare and Medicaid Services
(CMS), if it is determined that submission to CMS for review and
approval is required.

Dr. Courtney N. Phillips

Secretary